

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

United States of America :
 :
 :
 vs : 13-CR-175
 :
 :
 Matthew M. Wilson :

BEFORE: Honorable Matthew W. Brann
PLACE: Williamsport, Pennsylvania
PROCEEDINGS: Init. App./Arraignment/Guilty Plea
DATE: Thursday, September 12, 2013
VOLUME: One

APPEARANCES:

For the United States: George J. Rocktashel, Esquire
U.S. Attorney's Office
240 West Third Street
Suite 316
Williamsport, PA 17701

For the Defendant: D. Toni Byrd, Esquire
Federal Public Defender's Office
330 Pine Street
One Executive Plaza
Williamsport, PA 17701

1 (2:05 p.m., convene.)

2 *THE COURT:* Good afternoon.

3 *MR. ROCKTASHEL:* Good afternoon, Your Honor.

4 *MS. BYRD:* Good afternoon, Your Honor.

5 *THE COURT:* We are here in the matter of United States
6 of America versus Matthew Mitchell Wilson. I note the presence
7 of the Assistant United States Attorney, George Rocktashel, D.
8 Toni Byrd, Esquire, who is counsel for the defendant, and
9 Matthew Mitchell Wilson. And I presume this is Matthew
10 Mitchell Wilson?

11 *THE DEFENDANT:* Yes, sir.

12 *THE COURT:* Is this case here for initial appearance,
13 arraignment and a guilty plea?

14 *MR. ROCKTASHEL:* Yes, it is, Your Honor.

15 *THE COURT:* Mr. Wilson, you have, according to my
16 courtroom deputy, completed a financial affidavit. Is that
17 correct?

18 *THE DEFENDANT:* Yes, sir.

19 *THE COURT:* Is the information in that affidavit
20 accurate?

21 *THE DEFENDANT:* Yes, sir.

22 *THE COURT:* All right. Mr. Wilson, the Court will
23 advise you that you may be penalized for perjury for providing
24 false information if this information is not accurate. Do you
25 understand that?

1 *THE DEFENDANT:* Yes, sir.

2 *THE COURT:* The Court determines that the defendant is
3 unable to afford privately retained counsel, and the Court,
4 therefore, approves the appointment of D. Toni Byrd, Esquire.
5 Mr. Wilson, before I can accept your plea of guilty with
6 respect to charges that have been brought against you in
7 criminal docket number 4:13-CR-175, it is necessary for me to
8 establish for the record that you fully and completely
9 understand your rights under the law and that you understand
10 the consequences of a guilty plea.

11 Do you understand what I have just said to you?

12 *THE DEFENDANT:* Yes, Your Honor, I do.

13 *THE COURT:* All right. Mr. Wilson, you are going to
14 be placed under oath and I'm going to ask certain questions of
15 you. And you should be advised if you give me any false
16 answers you could again be subject to further prosecution for
17 perjury or for making false statements. Do you understand what
18 I have just said to you?

19 *THE DEFENDANT:* Yes, sir.

20 *THE COURT:* If you do not hear or do not understand
21 one of my questions, please interrupt me. I am perfectly
22 willing to repeat or to rephrase my question. Therefore, if
23 you respond to one of my questions, I am going to assume that
24 you have heard and understood the question. Do you understand
25 what I have just said to you?

1 THE DEFENDANT: Yes, I do, sir.

2 THE COURT: You may also talk to your attorney, Ms.
3 Byrd, at any time, and you can talk to Ms. Byrd privately if
4 you wish. Do you understand this?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. At this time I'm going to ask
7 my courtroom deputy, Mrs. McLaughlin, to administer the oath.
8 Mrs. McLaughlin.

9 THE COURTROOM DEPUTY: Please raise your right hand.

10 (The defendant was sworn.)

11 THE DEFENDANT: I do.

12 THE COURTROOM DEPUTY: Please state your full name for
13 the record.

14 THE DEFENDANT: Matthew Mitchell Wilson.

15 THE COURTROOM DEPUTY: Thank you.

16 THE COURT: All right. Mr. Wilson, how old are you?

17 THE DEFENDANT: Twenty-two, Your Honor.

18 THE COURT: And what is your educational background?

19 THE DEFENDANT: I've completed 12th grade in high
20 school and I'm currently seeking an associate's degree in
21 college with 45 credits under me right now.

22 THE COURT: All right. Thank you. Mr. Wilson, have
23 you ever been treated for drug or alcohol addiction or for
24 mental illness?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. And what -- would you describe
2 your treatment?

3 THE DEFENDANT: It was mental illness, sir.

4 THE COURT: And when was that, sir?

5 THE DEFENDANT: Currently all my life, sir.

6 MS. BYRD: It's ongoing, Your Honor.

7 THE COURT: It's an ongoing issue?

8 THE DEFENDANT: Yes.

9 THE COURT: Mr. Wilson, let me ask you this. Have you
10 had any drugs or alcohol either today or yesterday?

11 THE DEFENDANT: No, sir.

12 MS. BYRD: Your Honor.

13 THE DEFENDANT: Yes, sir. Current medication.

14 THE COURT: I understand that. Let me sort of
15 rephrase that. Have you taken any narcotic drugs, illegal or
16 illicit narcotic drugs, either today or yesterday?

17 THE DEFENDANT: No, sir.

18 THE COURT: Have you taken any alcohol either today or
19 yesterday?

20 THE DEFENDANT: No, sir.

21 THE COURT: Now, are you currently taking any
22 prescription medication? I believe you have indicated you are.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: What effect, Mr. Wilson, if any, does that
25 prescription medication have on your thinking, your

1 understanding or your judgment?

2 *THE DEFENDANT:* None, sir.

3 *THE COURT:* How are you feeling today?

4 *THE DEFENDANT:* Tired, sir.

5 *THE COURT:* Worn out. Okay. I understand that. Do
6 you understand, Mr. Wilson, what is happening today? Do you
7 understand why you are here in court?

8 *THE DEFENDANT:* Yes, sir.

9 *THE COURT:* All right. Ms. Byrd, do you have any
10 additional questions that would be of benefit to the Court
11 concerning the effect of any of Mr. Wilson's medications on his
12 mental health?

13 *MS. BYRD:* No, Your Honor. I'm satisfied that he's
14 competent to plead guilty. And I inquired of him before we
15 came into court.

16 *THE COURT:* I presumed as much. Thank you very much.
17 The Court, therefore, finds that the defendant's ingestion of
18 prescription medication has not impaired his present thinking,
19 understanding and judgment.

20 Mr. Wilson, have you been furnished with a copy of the
21 charges against you?

22 *THE DEFENDANT:* Yes, sir.

23 *THE COURT:* Mr. Wilson, do you understand those
24 charges?

25 *THE DEFENDANT:* Yes, sir.

1 THE COURT: Do you wish to have the information read
2 to you in open court?

3 THE DEFENDANT: No, sir.

4 THE COURT: Have you had enough time to review these
5 charges with your attorney, Ms. Byrd?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Has your attorney gone over the charges
8 against you and fully explained your trial rights and defenses
9 that you could bring to those charges?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: You have a constitutional right to be
12 charged by an indictment of a grand jury, but you can waive
13 that right and consent to being charged by information of the
14 United States Attorney. Let me explain that to you in some
15 level of detail.

16 You have the right to have these charges submitted to
17 a grand jury of 16 to 23 people, and at least 12 of these
18 people would have to find probable cause that you committed
19 this offense in order for you to be charged in the indictment.

20 Do you voluntarily give up this right and agree to let
21 the United States government bring charges against you in an
22 information?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Wilson, you are entitled to a jury
25 trial in these matters in which you, through your attorney,

1 your counsel, Ms. Byrd, would select a jury consisting of 12
2 persons. At the trial and during any subsequent proceedings,
3 the government would have the responsibility of proving each
4 and every element of the crime charged against you beyond a
5 reasonable doubt. You are presumed innocent until that burden
6 is met. And at the trial you would have with the right,
7 through counsel, to cross examine witnesses the government
8 would present.

9 You, in turn, would have the right to subpoena
10 witnesses and evidence on your own behalf, although you are not
11 required to do so. And should you decide not to testify or put
12 on any evidence, that decision cannot be used against you. Any
13 finding of guilt would have to be unanimous; that is to say,
14 all 12 jurors would have to agree.

15 If you give up your right to a jury trial, you give up
16 your right to present any defenses you may have or the right to
17 appeal any pretrial motions.

18 Now, having said that to you in some detail, do you
19 understand your right to a jury trial?

20 *THE DEFENDANT:* Yes, sir.

21 *THE COURT:* Do you understand as well that you have a
22 right to plead not guilty and to proceed with a jury trial in
23 this matter?

24 *THE DEFENDANT:* Yes, sir.

25 *THE COURT:* Is it your desire now to give up your

1 right to a jury trial and to enter a plea of guilty to the
2 indictment?

3 *THE DEFENDANT:* Yes, sir.

4 *THE COURT:* Mr. Wilson, do you feel that you have had
5 enough time to talk this matter over with your attorney, Ms.
6 Byrd?

7 *THE DEFENDANT:* Yes, sir.

8 *THE COURT:* Did anyone promise or offer you anything
9 else in order to get you to plead guilty today?

10 *THE DEFENDANT:* No, sir.

11 *THE COURT:* Have there been any threats to you or to
12 any member of your family that caused you or forced you to
13 plead guilty today?

14 *THE DEFENDANT:* No, sir.

15 *THE COURT:* Are you doing this of your own free will
16 because you are, in fact, guilty?

17 *THE DEFENDANT:* Yes, sir.

18 *THE COURT:* Are you a citizen of the United States?

19 *THE DEFENDANT:* Yes, sir.

20 *THE COURT:* Mr. Wilson, do you understand that the
21 statutory maximum penalty for making an Internet bomb threat
22 noted at Title 18 United States Code at section is 844(e) is a
23 term of imprisonment of ten years, a fine of of \$250,000, a
24 maximum term of supervised release of up to three years as well
25 as the costs of prosecution, imprisonment, probation or

1 supervised release order, denial of certain federal benefits
2 and an assessment in the amount of \$100? Do you understand
3 that?

4 *THE DEFENDANT:* Yes, sir.

5 *THE COURT:* Do you understand as well that there are
6 sentencing guidelines that this Court, that I, must consider
7 before I pass sentence on you? Do you understand that?

8 *THE DEFENDANT:* Yes, sir.

9 *THE COURT:* Have you and Ms. Byrd talked about the
10 sentencing guidelines that might apply to your case?

11 *THE DEFENDANT:* Yes, sir.

12 *THE COURT:* Has anyone estimated for you what your
13 guideline sentence may be?

14 *MS. BYRD:* We've talked about a range, Your Honor.

15 *THE COURT:* Ms. Byrd, what did you estimate that
16 guideline to be?

17 *MS. BYRD:* It depends. Depends. Anywhere from a --
18 worst case scenario, which I will have to look up, the best
19 case scenario is zero to six, and the worst case scenario is 12
20 to 18.

21 *THE COURT:* Mr. Rocktashel, do you agree with that
22 estimated sentence and the qualifying it depends, which is a
23 good lawyerly answer, we'll all agree.

24 *MR. ROCKTASHEL:* Yes, Your Honor. The worst case
25 scenario as we calculated is something in the vicinity of 12 to

1 18 months.

2 *THE COURT:* Mr. Wilson, a prior conviction can affect
3 your guideline sentencing range. Do you understand that?

4 *THE DEFENDANT:* Yes, sir.

5 *THE COURT:* Have you ever been on supervision for a
6 crime before such as probation, parole, supervised release or
7 ARD?

8 *MS. BYRD:* He may have been on supervision, Your
9 Honor.

10 *THE COURT:* May have been. All right. Mr. Wilson, a
11 probation officer will ultimately prepare a pre-sentence report
12 which will set your guideline sentencing range. If you
13 disagree with the report, this guilty plea is still binding on
14 you. But you can contest the report with the officer and after
15 that before me, if necessary. The government can also contest
16 the pre-sentence report. Do you understand this?

17 *THE DEFENDANT:* Yes, sir.

18 *THE COURT:* Do you understand, as well, that your
19 attorney, the attorney for the government, can agree on facts
20 and make recommendations, motions and requests at sentencing
21 but that I do not have to do what they ask me to do? Do you
22 understand that?

23 *THE DEFENDANT:* Yes, sir.

24 *THE COURT:* Nevertheless, this plea is binding on you,
25 whether or not I agree with their facts and recommendations or

1 grant their motions and requests. Do you understand this?

2 *THE DEFENDANT:* Yes, sir.

3 *THE COURT:* If your attorney, Ms. Byrd, or anyone else
4 has estimated your guideline at this time, and she has with a
5 qualifying statement, and I determine after I review the
6 pre-sentence report that the guideline is different from what
7 has been estimated to you, you cannot withdraw your guilty
8 plea. Do you understand that?

9 *THE DEFENDANT:* Yes, sir.

10 *THE COURT:* In no event can the guideline sentence
11 exceed the maximum sentence permitted under the United States
12 Code. Do you understand this?

13 *THE DEFENDANT:* Yes, sir.

14 *THE COURT:* Do you understand that as a consequence of
15 your guilty plea you may be required to submit to DNA sampling?
16 Do you understand that?

17 *THE DEFENDANT:* Yes, sir.

18 *THE COURT:* Do you understand as well that the
19 guidelines sentencing range is advisory only and that after
20 your guideline range has been determined, the Court has the
21 authority to impose a sentence that is more severe or less
22 severe than the sentence prescribed by the guidelines. Do you
23 understand that?

24 *THE DEFENDANT:* Yes, sir.

25 *THE COURT:* Do you understand that there is no more

1 parole; that you must serve the whole time of any imprisonment
2 to which you are sentenced? Do you understand that?

3 *THE DEFENDANT:* Yes, sir.

4 *THE COURT:* Do you understand, as well, that you can
5 appeal your sentence to a higher court, which could modify or
6 set aside the sentence order or order me to resentence you? Do
7 you understand that?

8 *THE DEFENDANT:* Yes, sir.

9 *THE COURT:* The government can also appeal your
10 sentence. Do you understand this?

11 *THE DEFENDANT:* Yes, sir.

12 *THE COURT:* With all of the information that we have
13 discussed so far, is it still your desire to plead guilty?

14 *THE DEFENDANT:* Yes, sir.

15 *THE COURT:* Are you pleading guilty of your own free
16 will because you are, in fact, guilty?

17 *THE DEFENDANT:* Yes, sir.

18 *THE COURT:* For the record, the Court notes the guilty
19 plea form has been signed by the defendant and has been
20 accepted by the Court. Now, the Court understands that there
21 is a written plea agreement in this case. Mr. Wilson, did you
22 go over the plea agreement with your attorney, Ms. Byrd?

23 *THE DEFENDANT:* Yes, sir.

24 *THE COURT:* Did your attorney fully explain the plea
25 agreement to you?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Did you have enough time to talk to Ms.
3 Byrd about the plea agreement?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Did you voluntarily sign the plea
6 agreement?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Rocktashel, for the benefit of the
9 Court, would you summarize the terms of the plea agreement?

10 MR. ROCKTASHEL: Certainly, Your Honor. The
11 defendant's agreed to waive indictment by the grand jury and
12 plead guilty to the felony information charging him with making
13 a bomb threat to a federal prison facility using the internet,
14 in violation of Title 18 U.S. Code, section 844, subsection E.
15 In the plea agreement he's acknowledged the statutory maximum
16 penalties that the Court has already reviewed with him with
17 respect to the waiver of indictment.

18 The United States has agreed, in exchange for the
19 defendant's plea of guilty, to bring no other criminal charges
20 against him arising out of the offense charged in the
21 information with the exception of any criminal tax charges, if
22 any apply in this case.

23 The United States Attorney has also agreed to make a
24 nonbinding recommendation of a three level reduction in offense
25 level for acceptance of responsibility. But the defendant

1 acknowledges that the Court is not bound by that
2 recommendation.

3 The United States Attorney has also agreed to make
4 another nonbinding recommendation of a specific sentence within
5 the applicable guideline range reserving the right to recommend
6 a sentence within that -- the maximum end of that range.

7 This is a nonbinding plea agreement, and the defendant
8 has acknowledged that the Court is not a party to and is not
9 bound by any of the recommendations of the parties in this case
10 and is free to impose any lawful sentence up to the maximum of
11 ten years in jail, the maximum fine of \$250,000, and the
12 maximum term of supervised release of three years.

13 That is a summary of the highlights of the plea
14 agreement, Your Honor.

15 *THE COURT:* Mr. Rocktashel, thank you very much. Ms.
16 Byrd, is that an accurate summary of the terms of the plea
17 agreement, as you understand them?

18 *MS. BYRD:* Yes, Your Honor, it is.

19 *THE COURT:* Mr. Wilson, do you agree that the
20 government has accurately described the plea agreement as
21 Mr. Rocktashel, the government's attorney, has just articulated
22 it to the Court?

23 *THE DEFENDANT:* Yes, Your Honor.

24 *THE COURT:* Do you have any questions about what is
25 contained in the plea agreement itself?

1 THE DEFENDANT: No, sir.

2 THE COURT: Other than the terms of the plea
3 agreement, did anyone promise or offer you anything else in
4 order to get you to plead guilty?

5 THE DEFENDANT: No, sir.

6 THE COURT: Have there been any threats against you or
7 any member of your family or any other person that caused you
8 to sign the plea agreement?

9 THE DEFENDANT: No, sir.

10 THE COURT: Did anyone use force or violence or any
11 other means to get you to plead guilty?

12 THE DEFENDANT: No, sir.

13 THE COURT: Are you entering this plea agreement of
14 your own free will?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand the terms of the plea
17 agreement are only recommendations to me and that I will decide
18 the sentence you receive?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand, as well, that your
21 guilty plea is binding on you no matter what sentence I impose,
22 even if it is different than the recommendation in the plea
23 agreement?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Very well. Mr. Wilson, in the information

1 you are charged with the following; making a threat,
2 maliciously conveying false information. Knowing the same to
3 be false through the use of electronic mail message sent by way
4 of the internet concerning an attempt -- an alleged attempt
5 being made to kill, injure and intimidate prison staff and
6 inmates at the Low Security Correctional Institution, Allenwood
7 and to unlawfully damage and destroy a building, vehicle and
8 other real and personal property by means of an explosive in
9 and affecting interstate or foreign commerce, all in violation
10 of Title 18 United States Code, section 844(e).

11 At this time I would like the Assistant United States
12 Attorney to place on the record what facts the government would
13 present in support of these charges. Mr. Rocktashel.

14 *MR. ROCKTASHEL:* Thank you, Your Honor. During the
15 weekend of March 30, 2012 to April 2nd, 2012 the defendant,
16 Matthew Mitchell Wilson, and his parents traveled from North
17 Carolina to Pennsylvania. Wilson and his parents came to visit
18 his brother, Michael Wilson, who was serving a sentence at the
19 Low Security Correctional Institution at Allenwood.

20 While in the area, they stayed at the Comfort Inn in
21 New Columbia, Pennsylvania, just down Route 15 from the prison.
22 During a stay at the motel, Wilson used a computer in the lobby
23 to send an e-mail to the general mailbox listed on the Low
24 Security Correctional Institution, or LSCI, website.

25 On Saturday March 31st 2012 at 7:03 p.m., he wrote in

1 the subject line of the e-mail, quote, There is a bomb at your
2 LSCI Allenwood, closed quote. In the body of the message
3 Wilson typed, I have placed a bomb in your facility. It will
4 blow at 8:45 a.m. tomorrow.

5 The following Monday, April 2nd, 2012, after prison
6 staff read the e-mail message, the LSCI was placed on lockdown
7 status. A canine bomb detection unit from the Union County
8 Sheriff's Office conducted a search at approximately 9:13 a.m.
9 The search ended at 10:30 a.m. and no bombs or incendiary
10 devices were discovered. The lockdown of the facility
11 concluded at 12:00 p.m.

12 The FBI was able to identify Wilson by checking the
13 inmate visitor list and guest records and the wireless network
14 at the Comfort Inn.

15 On August 20, 2012, FBI agents interviewed Wilson and
16 his parents at their home in North Carolina. Wilson admitted
17 creating a Yahoo! e-mail accounts, sanchezmark624@yahoo.com on
18 the desktop computer in the lobby of the motel. He then found
19 the website for the LSCI and located a contact e-mail for the
20 prison facility.

21 Using the newly created Yahoo! e-mail account, Wilson
22 composed the bomb threat and sent it to the institution e-mail
23 address. He told the FBI that he was lonely about his brother
24 being in prison and was taking three medications prescribed by
25 a psychiatrist.

1 Prior to this incident in early June 2012, the Union
2 County, North Carolina Sheriff had obtained an involuntary
3 commitment of Wilson after he placed a threatening note on the
4 door of his home written to appear as if someone else had left
5 the note.

6 We note, Your Honor, that the FBI investigation
7 revealed that Yahoo! utilizes servers outside the Commonwealth
8 of Pennsylvania for the purposes of routing e-mails, such as
9 one sent by the defendant in this case.

10 That's a summary of the facts supporting the guilty
11 plea, Your Honor.

12 *THE COURT:* All right. Mr. Rocktashel, thank you very
13 much. Mr. Wilson, do you fully admit to all of those facts?

14 *MS. BYRD:* Your Honor, we were previously advised that
15 a drug detection canine unit from Union County was called in
16 rather than a canine bomb detection unit. So with that caveat,
17 Mr. Wilson will tell that he agrees with everything.

18 *THE COURT:* Mr. Rocktashel, is that just an error or
19 --

20 *MR. ROCKTASHEL:* I don't know.

21 *THE COURT:* I assume there is some distinction there,
22 or maybe you just aren't aware of that.

23 *MR. ROCKTASHEL:* I think it may be a distinction
24 without a difference for purposes of today's proceedings, Your
25 Honor. We'll certainly check into that.

1 *THE COURT:* All right. That comment is noted, Ms.
2 Byrd. Thank you.

3 *MS. BYRD:* Thank you.

4 *THE COURT:* Aside from that, Mr. Wilson, based upon
5 all of the information I have provided you today, including but
6 not limited to your rights to a trial by a jury of your peers,
7 do you now plead guilty?

8 *THE DEFENDANT:* Yes, sir.

9 *THE COURT:* The Court makes the following finding; the
10 defendant is fully alert, competent and capable of entering an
11 informed plea, that this plea is a knowing and voluntary plea
12 supported by an independent basis in fact, containing each of
13 the essential elements of the offense as pled to.

14 The defendant's plea of guilty is, therefore, accepted
15 and he is now adjudged guilty of the offense. The Court will
16 now enter an order memorializing these findings. The Court
17 finds that the defendant is acting voluntarily and has not as a
18 result of force or threats or promises and that he understands
19 his rights and the consequences of his plea and that he
20 voluntarily waives his right to trial.

21 The Court further finds that the plea has a basis in
22 fact. The Court accepts the plea of guilty to the indictment.
23 It is ordered that the United States Probation Office shall
24 conduct a pre-sentence investigation and shall prepare a
25 pre-sentence report. The case will be listed for sentencing on

1 the Court's receipt of the pre-sentence report.

2 MS. BYRD: Your Honor, just for the record, this is an
3 information rather than an indictment to which Mr. Wilson is
4 pleading guilty.

5 THE COURT: That is true. I will note that
6 accordingly.

7 MS. BYRD: Thank you.

8 THE COURT: Now, in terms of detention,
9 Mr. Rocktashel, do you object to Mr. Wilson's continued release
10 from custody pending sentencing in this matter?

11 MR. ROCKTASHEL: Your Honor, we have reviewed the
12 pretrial services report in this case, and we see that the
13 recommendation is that he be released on his personal
14 recognizance with 11 conditions. We concur in that
15 recommendation of release on conditions and we're not seeking
16 detention at this time.

17 THE COURT: All right. Thank you. Mr. Wilson, you
18 will continue to be released on your own recognizance, in
19 accordance with the following special conditions.
20 Mr. Rocktashel has referenced them. Let me state them to you
21 specifically.

22 You shall report to the United States Probation Office
23 as directed. You shall continue to participate in an
24 educational program. You shall surrender your passport. You
25 shall not apply for any new passport. You shall continue to

1 participate in mental health counseling, following the
2 recommendations of your treatment provider. You shall not
3 possess a firearm or dangerous weapon. You shall abstain from
4 alcohol use. You shall refrain from use or unlawful possession
5 of a narcotic drug or other controlled substances defined at
6 Title 21, United States Code, section 802, unless prescribed by
7 a licensed medical practitioner.

8 You shall submit to random drug testing and refrain
9 from obstructing or attempting to obstruct or in any fashion
10 with the efficiency and accuracy of any prohibited substance
11 testing, which is required as a condition of your release. You
12 shall comply with prohibitions against traveling inside and
13 outside of the district, as noted. You shall report as soon as
14 possible any contact with law enforcement.

15 Counsel, are there any other issues that we need to
16 address today? Ms. Byrd?

17 *MS. BYRD:* Just only with respect to travel, that he
18 should be permitted to travel to meet with his attorney if
19 necessary.

20 *THE COURT:* We understand that. You understand that.
21 You are certainly entitled to travel here. We understand
22 you're a resident in North Carolina, and you're in school in
23 North Carolina and certainly permitted to travel here.

24 Mr. Rocktashel, I assume there is no object to that,
25 coming north, to meet with Ms. Byrd. That was expected.

1 MR. ROCKTASHEL: No, of course not, Your Honor.

2 THE COURT: Is there anything else, Mr. Rocktashel,
3 that I should note at this point?

4 MR. ROCKTASHEL: Your Honor we have one issue as it
5 relates to the pre-sentence investigation. As the Court may
6 surmise, the question of the defendant's mental health may well
7 be a sentencing issue in this case. And as we noted, the
8 defendant was involuntarily committed at one point at the Old
9 Vineyard Hospital in Winston-Salem, North Carolina. We believe
10 those records may be useful to the court in connection with
11 evaluating the defendant and imposing a sentence in the case,
12 as would any treatment records for psychiatric or psychological
13 treatment currently being provided.

14 I don't know how the Court planned to address that or
15 whether the defendant was expected to execute releases for that
16 information to the probation office. But we would recommend
17 that practice here. We think it would avoid undue delay for
18 the Court and make sure that the Court has complete psychiatric
19 and psychological records to fashion an appropriate sentence.

20 THE COURT: Ms. Byrd, do you care to address that? I
21 see that it was an inpatient treatment of about 15 months ago,
22 according to the pre-sentence report, in June of 2012.

23 MS. BYRD: I think this matter can be taken up during
24 the pre-sentence investigation. If the probation officer is of
25 the view that he needs records that we aren't able to provide,

1 then we can then take it up with the Court and fully brief the
2 issue. Obviously he has certain privacy rights with respect to
3 his medical records, and I'm really not prepared fully to
4 address Mr. Rocktashel's request today. Although, I do believe
5 we can satisfy the probation officer and the Court with
6 sufficient records to enable the Court to impose a sentence in
7 accordance with 3553(a).

8 *THE COURT:* It might be helpful for the Court to have
9 those records from the Old Vineyard Mental Behavioral Health
10 Services Center in Winston-Salem, North Carolina from 15 months
11 ago. I don't know that, but I would suspect that, and I have
12 noted myself that might be helpful. Would counsel come to
13 sidebar just a minute? Mr. Wilson, you stay right where you
14 are. I'm going to talk to Mr. Rocktashel and your attorney for
15 just a moment.

16 *THE COURT REPORTER:* Judge, would you like this on the
17 record?

18 *THE COURT:* No, let's go off the record for just a
19 minute. Thank you.

20 (Off-the-record sidebar discussion between Court and counsel.)

21 *THE COURT:* Mr. Wilson, I wanted to talk to Ms. Byrd
22 and to Mr. Rocktashel, who is the assistant United States
23 attorney, regarding this mental health for this commitment that
24 you had about 15 months ago.

25 I am going to deny the government's request at this

1 time. Ms. Byrd, I think, has the opinion that maybe this
2 matter can be sorted out, and we'll let you figure that out, I
3 guess, over the next month or so. I am not setting that down
4 as part of an order. I am sure you can sort that around in
5 your own mind in probably the next 30 days. I'm sure Ms. Byrd
6 will give you some guidance in that regard.

7 I guess if it can't be sorted out, the Court will
8 certainly entertain a motion from the government and we'll
9 consider that, as well as any briefs necessary to clarify the
10 matter for the Court's benefit. All right.

11 Aside from that issue, and I thank you for bringing
12 that to the Court's attention, Mr. Rocktashel, is there
13 anything else that the Court needs to attend of today? Or Ms.
14 Byrd, can you think of anything else?

15 *MS. BYRD:* No, Your Honor.

16 *THE COURT:* Mr. Rocktashel.

17 *MR. ROCKTASHEL:* No, Your Honor. Thank you.

18 *THE COURT:* Thank you very much. Court stands
19 adjourned.

20 *THE COURTROOM DEPUTY:* Please rise.

21 (2:38 p.m., court adjourned.)
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REPORTER'S CERTIFICATE

I, Lori A. Fausnaught, RMR, CRR, Official Court Reporter for the United States District Court for the Middle District of Pennsylvania, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a true and correct transcript of the within-mentioned proceedings had in the above-mentioned and numbered cause on the date or dates hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared by me or under my supervision.

s/Lori A. Fausnaught, RMR, CRR

Lori A. Fausnaught, RMR, CRR
Official Court Reporter

REPORTED BY:

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Middle District of Pennsylvania
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